

501.41261X00

**REMARKS**

Applicants have amended their claims in order to further clarify the definition of various aspects of the present invention. Specifically, in order to facilitate and simplify proceedings in connection with the above-identified application, Applicants are canceling Claims 4-32 without prejudice or disclaimer. Moreover, Applicants are currently amending Claim 1 to recite that the first insulative film is formed "over" (rather than on) the surface of the semiconductor wafer; and to recite forming a second insulative film "over" (rather than on) the semiconductor wafer including a portion "over" (rather than on) the first insulative film after the etching.

Remarks by the Examiner concerning the election/restrictions, in Items 1 and 2 on page 2 of the Office Action mailed 17 May 2004, are noted. Such contentions by the Examiner are moot in light of present canceling of all claims except Claims 1-3. In this regard, note that Claims 1-3 fall within the elected Species I, as indicated by the Examiner in Item 1 on page 2 of the Office Action mailed 17 May 2004.

The rejection of various claims under the first paragraph of 35 USC §112, as set forth in Items 5 and 6 on pages 3 and 4 of the Office Action mailed 17 May 2004 is noted. This rejection is moot, in light of canceling of Claims 4-32.

The rejection of claims under the second paragraph of 35 USC §112, as set forth in Item 8 on page 4 of the Office Action mailed 17 May 2004, is noted. This rejection is moot in light of canceling of Claims 29 and 30.

It is respectfully submitted that the rejection of Claims 19 and 20 on prior art grounds, as set forth in Item 10 on pages 4 and 5 of the Office Action mailed 17 May 2004, is moot, in light of present canceling of Claims 19 and 20.

The Examiner is thanked for the indication of allowable subject matter in, *inter alia*, Claim 1. Note the Examiner's statement in Item 13 on page 6 of the Office

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Action mailed 17 May 2004, that the cited prior art fails to disclose or suggest the step of mechanically and chemically polishing a surface of the second insulative film in the same sequential order as disclosed in conjunction with all other limitations in the claims. Note that Claim 1 as presently amended recites the step of mechanically and chemically polishing a surface of the second insulative film, thereby planarizing the surface thereof. Notwithstanding amendments to Claim 1 to recite forming various structure "over" (rather than on) specified structure, it is respectfully submitted that Claim 1 as presently amended should be allowable at least for the same reasons that the Examiner has previously indicated allowability of Claim 1.

In view of the foregoing comments and amendments, entry of the present amendments, and reconsideration and allowance of all claims remaining in the application, are respectfully requested.

A Petition for Extension of Time and Form PTO-2038 are submitted concurrently herewith. It is respectfully requested that any shortage in the fee be charged to ATSK Deposit Account No. 01-2135 (as Case No. 501.41261X00).

Respectfully submitted,

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